

STEERING, LEGISLATIVE & GOVERNMENTAL COMMITTEE

January 18, 2011

5:30 p.m.

Courthouse

MINUTES:

MEMBERS PRESENT:

Commissioner Jack Black
Commissioner Gary Farley
Commissioner Trey Gooch
Commissioner Jeff Jordan
Commissioner Jeff Phillips
Commissioner Steve Sandlin
Commissioner Adam Coggin, C

OTHERS PRESENT:

Ernest Burgess Chantho Sourino
Robert Stevens Carol Cook
Joe F. Jernigan Joyce Ealy
Anthony Tuggle Chuck Clark
Steve Smith Jim Estes
Keith Bratcher Ginger Warf
David Adams Lynn Duke
Jim Tracy Joe Carr
Mike Sparks Rick Womick
Becky Shelton

Chairman Coggin presided and called the meeting to order at 5:30 p.m. with all members being present at that time.

MINUTES:

"Commissioner Phillips moved, seconded by Commissioner Farley, to approve the minutes of the last meeting as mailed. This motion passed unanimously by acclamation."

FILL TWO VACANCIES ON CONSERVATION BOARD:

Chairman Coggin advised applications had been received from Jim Estes, Lynn Duke, John Marshall and David Adams for appointment to the Conservation Board. Mr. Estes, Ms. Duke and Mr. Adams addressed the Committee. Following discussion,

"Commissioner Phillips moved, seconded by Commissioner Sandlin, to nominate all four applicants and vote for two. Mr. Estes and Mr. Adams will be recommended for appointment to the Conservation Board with Commissioner Black voting for Estes and Adams; Commissioner Farley voting for Estes and Marshall; Commissioner Gooch voting for Estes and Adams; Commissioner J. Jordan voting for Estes and Adams; Commissioner Phillips voting for Estes and Marshall; Commissioner Sandlin voting for Estes and Adams and Commissioner Coggin voting for Estes and Adams."

APPOINTMENT OF JUDICIAL COMMISSIONER:

Chairman Coggin next advised Judges of the General Sessions Courts of Rutherford County have requested appointment of Lisa Shores as a judicial commissioner pursuant to the authority contained in Tennessee Public Acts of 1978, Chapter 933, for a term not to exceed four years and such term to conclude and terminate if and when the term is concluded or the service with Rutherford County is terminated. Following discussion,

"Commissioner Farley moved, seconded by Commissioner Phillips, to recommend appointment of Lisa Shores as judicial commissioner for a term not to exceed four years and such term to conclude and terminate if and when the term is concluded or the service with Rutherford County is terminated. This motion passed unanimously by acclamation."

ANNUAL MEETING WITH LEGISLATORS:

Members of the local State legislation representing

Rutherford County were introduced including Joe Carr, Mike Sparks, Jim Tracy and Rick Womick.

Mr. Carr first advised relevant issues this year would include the deficit and noted there would be no Federal money expected to help balance the State budget but with the foresight of the last governor and General Assembly the State of Tennessee is not in as bad a shape as many other states. Mr. Carr advised this session or next appeared to be a good opportunity to get the MTSU Science Building funded.

Mr. Tracy advised these were interesting times with the new governor with great challenges. People want effective and efficient government.

Mr. Womick advised twelve sub-committees have been eliminated in an effort to streamline legislation. Immigration reform and worker's compensation will be reviewed again.

Mr. Sparks also addressed the Committee.

Commissioner Phillips questioned where does streamlining the sales tax act stand and Mr. Tracy advised there has been no discussion on this issue because of the ramifications. Mr. Tracy advised he thought in 2011 everything would involve job creation.

Commissioner Farley asked the State delegation to watch legislation detrimental to local governments such as unfunded mandates. Mr. Carr advised the State has to figure out how to fund Federal unfunded mandates and they have found the State also tends to do the same thing to local governments. Mr. Carr ask the Committee to advise if they hear it is happening but the Legislature is starting to understand it is sending down unfunded mandates as well.

Mr. Carr advised as to BEP funding he is hearing talk in the new administration that education is a high priority and the State needs a strong education program to attract new jobs.

Commissioner Gooch reiterated that unfunded mandates in the past were passed onto local governments. Commissioner Gooch also advised he opposed further restrictions on certain drugs such as requiring a doctor's visit just to get Nyquil as people without health insurance cannot afford this just to treat a cold. Mr. Tracy advised the meth problem is coming back in several counties.

Commissioner Sandlin advised prisoner reimbursement needs to be kept on the record because it is an issue with the inmate population growing and what the State doesn't pay, the County has to.

Commissioner Sandlin also advised the Development Tax in Rutherford County is decreasing with the state of the economy. When the County Powers Act was passed it addressed a real estate transfer tax at the end. Commissioner Sandlin advised the real estate transfer tax was a much more stable funding mechanism which could help Rutherford County and requested a review to take this out of the prior bill. Mr. Tracy advised this would be looked at although it has not been looked at with the state of the economy. Commissioner Phillips ask if it would be possible to grandfather counties that already had a Development Tax in place.

Mr. Tracy advised if Rutherford County was going to do any recommendations they would be needed in the next couple of weeks.

Commissioner J. Jordan advised the County was now considering construction of a new high school and his fear and concern was if they proceed and lose the BEP monies. Rutherford County gets

little help with brick and mortar. Mr. Womick advised he had attended a meeting in which they looked at increasing lottery money standards as the lottery is hurting and there will be no money for brick and mortar.

Commissioner Black inquired as to road projects and specifically Jefferson Pike. Mr. Tracy advised roads affect jobs and he thought the new administration will be cognizant of the same. Also, Jefferson Pike is the #1 road priority in Rutherford County but it comes back to money and if gas prices go up the revenue will go down. Additionally, no revenue is received from electric cars although they will be using the roads. Funding will come down to priorities.

Commissioner Phillips next advised the County was surprised to learn in last year's Technical Corrections Bill that the County would lose \$200,000 in wheel tax revenue on Nissan lease vehicles and would have appreciated advice in advance. Mr. Tracy advised last year the Technical Corrections Bill was 78 pages long and he has ask the current administration not to do that as it puts a burden on the General Assembly. Commissioner Farley inquired if Rutherford County could be omitted from the bill and Mr. Tracy advised it's possible. Commissioner Farley advised the County understood why it was done for Hamilton County but it affected both Rutherford and Maury counties. Mr. Tracy requested something be sent to him on this matter.

Commissioner Ealy next expressed concerns of constituents as to the security of public pension funds in TCRS and any effort to use balances to fund the State deficit. Mr. Tracy advised he had no knowledge of anything involving pension funds and pension funds can't hardly be touched.

Commissioner Stevens inquired as to BEP funds and maintenance of effort and whether anyone would be willing to sponsor a bill to allow counties to reduce the maintenance of effort to balance budgets. Mr. Womick advised if the Commission wants to do so he will sponsor the same in the House. This could potentially be made specific to Rutherford County. Mr. Tracy advised BEP funding is very complicated and he would have to see how things go.

Commissioner Stevens also advised the Tennessee Residential Brokering Act prohibited someone from getting a mortgage loan from anyone other than a mortgage company to protect from predatory lending. Commissioner Stevens inquired if this could get amended or repealed. Mr. Womick advised this was already being looked into.

Commissioner Jernigan advised any help with roads would be appreciated.

Chairman Coggin advised the attendance and advice of the legislators was appreciated.

Commissioner Sandlin advised if the legislators needed information a special called meeting may be necessary. Mayor Burgess advised it may be possible to have caption bills filed if issues can be identified. Commissioner Sandlin advised he wanted to send up issues that have been well thought out with a 2/3 support by the Commission.

"Commissioner Farley moved, seconded by Commissioner J. Jordan, to ask the State legislators to present a caption bill addressing the part in the Technical Corrections Act that deals with original equipment manufacturers of complete cars and exempting from the wheel tax and administration fees for Rutherford County. This motion passed unanimously by acclamation."

"Commissioner Sandlin moved, seconded by Commissioner Farley, to request a caption bill to look at the County Powers Act to rescind the real estate transfer portion of the bill. This motion passed unanimously by acclamation."

Chairman Coggin advised the anti-litter resolution will be addressed again at the February 7 Steering Committee meeting and any public comments would be welcomed.

Chairman Coggin next advised the Shelton v. Rutherford County lawsuit has been dismissed in its entirety by the Federal Court. Commissioner Stevens inquired if anyone would make a motion to pursue legal fees from the plaintiffs. Mayor Burgess advised he didn't think the County is responsible for any of the plaintiffs' fees with the dismissal. Commissioner Sandlin advised the question as to reimbursement of expenses by the plaintiffs had already been ask. Mayor Burgess advised perhaps the County's attorneys can make an assessment and recommendation as to pursuit of fees and expenses. Following discussion,

"Commissioner Phillips moved, seconded by Commissioner Sandlin, to ask the County's attorneys in the Shelton v. Rutherford County case to make an assessment and recommendation as to the probability of pursuing and collecting any costs and expenses from the plaintiffs. This motion passed unanimously by acclamation."

There appearing to be no further business to come before the Committee, Chairman Coggin declared the meeting adjourned at 6:45 p.m.

ADAM COGGIN, Chairman